

REMARKS

Introduction

In response to the Office Action dated June 21, 2007, Applicants have amended the claims 1-8. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Claim Objections

Claims 1 and 2 were objected to for various informalities. Claims 1 and 2 have been amended to adopt the Examiner's suggested amendment.

Withdrawal of the objection is requested.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite.

Claim 1 was rejected for reciting "is arranged on an opening of a vessel, and supported with a cap body." Claim 1 has been amended to recite, "...a sealing member made of an elastic body having radial slits from the center toward an outer periphery, is arranged on an opening of a vessel, and ~~supported with~~ in a cap body" to clarify that the sealing member is arranged in the cap body.

Claim 2 was rejected for reciting "integrally molded of a plurality of slits." The Office Action stated that it was not clear how something that is intangible can be integrally molded. Claim 2 has been amended to recite, "...a plate-like elastic sealing member arranged integrally

molded and in the cap body, ~~and integrally molded of~~ comprising a plurality of slits extending from the center toward an outer periphery of the sealing member.”

Claims 2 and 8 were rejected for requiring that the slits come into contact with each other. The Office Action asserts that the Applicants intended that the term “slits” to mean “flaps formed by slits” or the like. Claim 2 has been amended to recite, “...**the plurality of slits** of the sealing member **expand and open** to communicate the content of the vessel with the exterior, and when the pressure to the pressurizing member is relaxed, **the plurality of slits contract** and the pressurizing member returns to position, so that the sealing member returns to its initial position by its elasticity.” Claim 8 has been amended to recite, “...**contract** and bringing the radial slits into tight contact with each other.”

As described in the instant specification, by pushing the pressurizing member from above, the slits of the sealing member are expanded downward to be opened, and by relaxing the pressure, the slits contract and the pressuring member returns to position (see, e.g., pg. 18, lines 6-8 of the originally filed specification).

Claim 2 was rejected for allegedly being unclear, specifically for reciting “the periphery” in line 8. Claim 2 has been amended to recite, “...an engaging part having an inverse L-shape in section around the outer periphery of the sealing member through a hinge.”

Claim 2 was rejected for reciting “engaging part.” The Office action states that each time the limitation is recited, the claim should clarify which engaging part it is referring to. Claim 5 has been amended to recite, “...the cap body is constructed such that the rim of the flanged engaging part of the fixing member extends downward around the inner periphery.” Claim 6 has been amended to recite, “...the flanged engaging part of the fixing member.”

Claim 2 was rejected for reciting “the outer periphery of the hollow cylinder” in line 11.

Claim 2 has been amended to recite, “...an outer periphery of the hollow cylinder.”

Claim 2 has been rejected for reciting “engaging protrusion.” The Office Action states that the outer cylinder includes an engaging protrusion and the cap body also comprises an engaging protrusion. Thus, the claim should clarify which “engaging protrusion” it is referring to. Claim 2 has been amended to recite, “...the engaging protrusion of the outer cylinder being in engagement with the engaging protrusion of the cap body.”

The Office action asserts that the limitation, “the sealing member made of an elastic plate having a reasonable thickness,” recited in claim 3 has insufficient antecedent basis. Claim 3 has been amended to recite, “...wherein the sealing member having a thickness.” According to the claimed subject matter, the thickness of the sealing member is small for opening purpose (*see, e.g.*, pg. 12, lines 9-12 of the originally filed specification).

The Office action asserts that the limitations, “the rim” and “the extending part,” recited in claim 4 have insufficient antecedent basis. Claim 4 has been amended to recite, “...the outer periphery of the pressurizing member further comprises a top surface, and the slits formed in the sealing member have a length extending from the center of the sealing member to the top surface of the pressurizing member.” Claim 5 has been amended to recite, “...wherein the cap body is constructed such that the flanged engaging part of the fixing member extends downward around the inner periphery of the opening of the vessel body forming an extending part, and to be brought into contact with the inner periphery of the opening of the vessel body to be retained to the vessel body by the extending part and the female screw.”

The Office Action asserts that because claim 2 recites multiple inner peripheries, it is not clear which of the two inner peripheries claim 4 is referring to. Claim 5, not claim 4 recites “the

inner periphery.” Claim 5 has been amended to recite, “...around the inner periphery of the opening of the vessel body.”

Claim 7 was rejected for reciting “the upper periphery.” Claim 7 has been amended to recite, “...wherein the pressurizing member has a thin part projecting from a top surface thereof and a mark for indicating the thin part.”

Accordingly, one having ordinary skill in the art would not have difficulty understanding the scope of the presently claimed invention, particularly when reasonably interpreted in light of the supporting specification. Therefore, it is respectfully submitted that the imposed rejection under 35 U.S.C. § 112, second paragraph is not legally viable and hence, Applicants solicit withdrawal thereof.

Claim 8 stands rejected under 35 U.S.C. § 112, first paragraph for purportedly failing to comply with the enablement requirement. The Office Action states, “the language of the claim suggests that the sealing member and the pressuring member are individual entities that can be physically separated. However, the claim also recites that a spring member is firmly fixed between the pressurizing member and a fixing member that is arranged on the sealing member, which suggests that the pressurizing member and the sealing member are connected as a single piece. The limitations recited in the claim contradict one another.” Reconsideration and withdrawal of the rejection are solicited in view of the foregoing amendments to claim 8 and the following remarks.

Claim 8 has been amended to recite, in part, “...arranging a sealing member having a fixing member, and made of an elastic plate with radial slits from the center toward an outer periphery in an opening of a vessel body containing a reagent to a first position; arranging a pressurizing member having a through hole above the sealing member in the first position by a

biasing force of at least one spring member firmly fixed between the pressurizing member and the fixing member of the sealing member; pushing the pressurizing member from above to expand the radial slits of the sealing member downwardly to a second position."

As shown in Figs. 1 and 2 and the corresponding description (see, e.g., pg. 10, line 20-pg. 11, line 3 and pg. 15, line 20-pg. 16, line 1 of the originally filed specification), a spring member 7 is interposed between the fixing member 5 and the pressurizing member 6 for holding the pressurizing member 6 in position **all the time**. As a result, even when the pressurizing member is pushed up by the biasing force of the spring member, the pressurizing member is not detached from the vessel body and the pressurizing member is retained in position above the sealing member.

Based on the foregoing, it is respectfully submitted that claim 8 and its functionality is fully described and enabled by Applicants' specification, and that one of ordinary skill in the art would readily understand how to make and practice the claimed invention. Accordingly, it is respectfully requested that the rejection of claim 8 under 35 U.S.C. § 112, first paragraph be withdrawn.

Allowable Subject Matter

Claims 1-7 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Applicants submit that the presently amended claims are compliant with the requirements of the second paragraph of 35 U.S.C. § 112 and, therefore, are in condition for immediate allowance.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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